

# **Application Form**

## **For the "METRO REGIONAL REVOLVING LOAN FUND" PROGRAM**

**Administered by  
The City of San Diego  
Community & Economic Development Department  
Business Finance Section  
600 B Street, Fourth Floor  
San Diego, CA 92101  
Phone: 619-533-7408 Fax: 619-533-5250  
Email: [csylvester@sanidiego.gov](mailto:csylvester@sanidiego.gov)**

### **Program Structure**

**The Metro Revolving Loan Fund is a public revolving loan fund operated by the City of San Diego, Economic Development Division with guidance from an Advisory Board comprised of private sector volunteers possession broad expertise in early-stage growth company finance.**

***Before completing an application, the applicant is urged to review the "Program Implementation summary and Plan for the Metro Revolving Loan Fund," which outlines other conditions and requirements of the program, including that of committed funds to the project."***

A non-refundable Application Fee is due at the time this application is submitted. Also, note that the applicant/borrower will be responsible for paying the costs of legal review of security documents and other legal reviews which may be required for a specific project, as well as the cost of filing of such documents if a loan is finalized.

**Items that must be included to be a complete application:**

- ☐ Loan request forms (Items 1 – 20)
- ☐ History and description of business (Attach as Exhibit)
- ☐ Employee payroll information
- ☐ Financial information (Attach as Exhibit)
- ☐ Schedule of collateral
- ☐ Signatures on all documents
- ☐ Environmental Questionnaire and Indemnification (If relevant to your project. Otherwise, write "NA" in this section)
- ☐ Release of Credit Information
- ☐ Debt schedule
- ☐ Other, as may be required for full analysis of your request.

## **APPLICATION CHECKLIST**

**(Required attachments to Metro RLF Loan Application.) Check all that apply and provide with completed, signed application, or mark "NA")**

**Business Plan/Profile:** Introduction, product/services, market, operations, financial viability, and conclusion.

**Projections:** For start up companies, provide annual income and expense projections for the term of the loan. For existing companies, include monthly projections if this loan request will make significant changes to the financial condition of the company. Include detailed supporting written assumptions.

**Business Financial Statements:** Fiscal year-end financial statements for the past three years, as well as current (less than 60 days old) monthly interim financial statements (Balance Sheet and Profit & Loss).

**Business Federal Income Tax Returns:** For the prior 3 years, including all schedules.

**Affiliate Information:** For any affiliated company, including those 20% or more owned by applicant principals, provide financial statements and tax returns as called for above

**Schedule of All Business Debt:** Form provided.

**Accounts Receivable, Accounts Payable and Taxes Payable Aging:** Provide aging as of the most recent fiscal year end and interim statements. For accounts receivable, provide copies of invoices or master listing for all major accounts; for accounts payable list vendors' names and addresses and any special terms provided; for taxes payable, provide details of quarterly tax liabilities, including any unpaid periods, liens, or workout agreements.

**NOTE: Metro RLF requires all delinquent taxes to be paid prior to funding.**

**Copies of Contracts:** Major purchase orders, license agreements, exclusives, trademarks, copyrights, leases etc.

**Employee List:** Provide job titles, full or part time status and current annual salaries. (Complete form provided).

## **SUPPORTING INFORMATION**

**Use of Proceeds Statement:** Provide a detailed breakdown of proposed expenditures of loan proceeds, with explanation and timing of each.

**Project Financing:** Due to Federal leveraging requirements for the METRO RLF portfolio, the program may limit funding to 1/5 of the project costs, with the minimum loan of \$25,000 and a maximum of \$150,000. Provide documentation that all project funding has been or is being committed by lenders or other forms of financing.

**Credit Report Authorization:** Complete, sign and return form provided.

**Application Fee:** Provide a (non-refundable) \$250 check payable to the City of San Diego prior to processing.

## **PERSONAL INFORMATION**

For each principal active in management holding 20% or more in company stock, please submit the following:

**Resume:** For officers who are key to the daily management of the company.

**Personal Financial Statement:** Complete attached form or similar format, with information less than 60 days old.

**Personal Federal Income Tax Returns:** For the prior 3 years, including all schedules and K-1's if applicable.

## **“Program Implementation Summary and Plan for the Metro Revolving Loan Fund”**

### **Terms/Loan Amounts:**

1. \$25,000 to \$150,000.
2. Repayment terms from 3-5 years, based on the asset being financed. Note: A longer amortization may be available to enable loan repayment and adequate working capital for operation of the business.
3. Loan rates will be set based on project quality. Rates will vary, tied to Prime, with average loans rates of Prime plus 2%. Rates will be set after evaluation of risk and community benefit.
4. Fees:
  - Application Fee - \$250 nonrefundable/upfront;
  - Commitment fee (to hold approved loan funds for up to 90 days) - \$250
    - Longer commitment periods may be available depending on the reasons for the project funding delay.
  - Out of pocket costs to document the loan and perfect the collateral position(s) being provided will be paid by the applicant, and are an eligible use of project “soft costs.”
5. Collateral:
  - Eligible Collateral will include:
    - First or second Deed of Trust on real property, owned by the business or guarantor;
    - Assignment of rents, leases, and or accounts receivable;
    - Security interest in equipment, inventory, and/or other business assets;
    - Assignment of Life Insurance (key person) on owners and/or key management personnel;
    - Deed of trust on personal residence of key management personnel;
    - Other

**METRO REVOLVING LOAN FUND  
(METRO RLF)  
APPLICANT PROFILE**

In order to qualify for a loan from the METRO RLF, an applicant must be the following criteria:

1. Have an existing business or a start up business in the Eligible Lending Area.
2. Have firm commitments for the other pieces of project;
  - a. Have received a decline from at least one lender; or
  - b. Be able to document that there is a financing gap in the project.
3. Create employment, which means: Generally not less than one job for every \$30,000 being applied for. Note: Jobs to be created should be expected to carry a "family wage," being defined as an hourly rate from \$12-15, minimum.
4. Have an eligible use for the loan, one or more of the following:
  - a. Rehabilitation of an existing commercial building, including related soft costs;
  - b. Commercial real estate acquisition (land and building), and improvements;
  - c. Commercial equipment or machinery;
  - d. New commercial construction, including related soft costs;
  - e. Permanent (long-term) working capital;

**Pre-Application Process:**

1. Be located in or locating to an Eligible Lending Area.
2. Through financial statements provided, provide evidence of a reasonable expectation of repayment (e.g., borrower character, capability, commitment, collateral; internally consistent financials that tie to near-term projections; not over-leveraged)
3. Inject at least a 10% of the project amount in the form of equity.
4. Have a firm commitment from a commercial or private lender for the other components of the project; to be supported by a commitment letter, loan decline, or other documents that support of the need for RLF financing.
5. Through a current business plan or other forms of documentation, demonstrate market acceptance (i.e., sales) and a diversified revenue/customer base.
6. Create quality jobs available to low-moderate-income individuals; paying a livable wage.

### **Step One:**

Prior to or at an in-person meeting, provide the METRO RLF with a copy of your business plan, and be able to provide answers or information for the following eleven items:

1. Through a current business plan or other forms of documentation, demonstrate market acceptance (i.e., sales) and a diversified revenue/customer base.
  - a. Identify your business. What sets you apart from the competition?
  - b. Who is your targeted customer?
  - c. What is your market competition?
  - d. Describe your use of RLF proceeds (your project).
  - e. What are obstacles to success faced by your business?
  - f. What are the skills and experience necessary to succeed?
  - g. Explain the management team's skills and experience, in your business, and related.

**Step Two: If the prospect qualifies for the METRO RLF, the small business owner will be provided with a formal application package to complete. Along with this application, the items listed in the following checklist will need to be compiled for submission along with the application, and a fee made payable to the City of San Diego in the amount of \$250.**

**NOTE: Please complete all 20 sections of the application forms. An incomplete application may result in a decline of your request which might otherwise have been approved if the package was complete. If a portion of the application does not apply to your request, mark "NA" in that section so that the finance officer will know that the area was reviewed.**

1. Applicant: \_\_\_\_\_  
Trade Name(s): \_\_\_\_\_  
Has business name changed, or has merger, consolidation or other substantial business change occurred during the last five years?

YES NO If yes, describe on a separate sheet.

2. Project Address: \_\_\_\_\_

City: San Diego State: CA Zip Code: \_\_\_\_\_

Principal office (if different from address): \_\_\_\_\_

Business Telephone: ( ) \_\_\_\_\_ Contact Telephone ( ) \_\_\_\_\_

Date of Incorporation (or Date Started): \_\_\_\_\_

State of Incorporation or Operation: \_\_\_\_\_

Federal Employer Identification Number: \_\_\_\_\_

3. Type of organization: Proprietorship General Partnership Limited Partnership  
Other

1. List all debt of company. Include lender and present balance; collateral securing loan; term and payment amounts. Next payment due, and maturity date(s). A Debt Schedule Form is contained at the end of this application.

2. Does applicant have any loans/leases/commitments from other sources?

YES NO

If yes, list dates, lenders, collateral and repayment terms on separate sheet.

4. Is Applicant involved in or threatened with any lawsuit or litigation? YES NO

If yes, describe on separate sheet.

5. Has Applicant or its principals ever been involved in bankruptcy proceedings?

YES NO

List details: \_\_\_\_\_

**Page 6**

6. Do you or your business have any past due taxes: YES NO

Period Due: \_\_\_\_\_ \$ Amount: \_\_\_\_\_  
 Period Due: \_\_\_\_\_ \$ Amount: \_\_\_\_\_  
 Period Due: \_\_\_\_\_ \$ Amount: \_\_\_\_\_

**7. Projected Employment/Job Creation:**

List all positions presently available in your business. Note if the positions are filled as of this application, or vacant.

Note: Full-time employee is one employee working a 40-hour week, year round. Part-time employee should be adjusted.

**Existing Jobs:**

JOB TITLE	# FTE	# Jobs Open for Hire	Annual/ Hourly Wages	Health or Other Benefits Provided



**8. A List types of jobs that will be CREATED within 12-24 months of METRO RLF funding:**

JOB TITLE	# FTE Positions Projected	Annual/ Hourly Wages	Health or Other Benefits Provided

**8. B New Job Estimate Certification**

The undersigned, an authorized representative of \_\_\_\_\_ (the "Company") certifies that the foregoing information given in connection with a loan by the METRO RLF to the Company (the "Loan") acknowledges that:

- (1) the Company will be required to furnish to the City quarterly status reports based on these projections. These estimates are believed by the applicant to be a fair estimation of jobs to be created and/or retained with respect to METRO RLF funding.

APPLICANT: \_\_\_\_\_  
(Name of Business)

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**8. C     Job Retention:     List current employees:**

JOB TITLE	NUMBER OF POSITIONS IN THIS JOB TITLE	Annual Salary or Hourly Rate	Insurance or other Benefits Provided

**8. D.     Explain in detail how jobs will be retained if your company is financed by the METRO RLF. *Note: Job retention does not mean moving your company location from one part of town to another.***

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**9. Applicant Certification:**

I certify for the purpose of obtaining credit that the information and representations contained in this application and any supplementary information are true, complete, accurate and current, to the best of my knowledge. I also acknowledge that the loan application procedure has been reviewed with me and I understand that the City may decline a loan application,

I understand this is a preliminary application for an initial determination whether the proposed business or borrowers meet the basic eligibility requirements for any of the lending programs available. I agree that the City staff may, at their discretion, order a credit report on me at any time after signing this form.

I understand that after the initial determination has been made, additional information may be necessary. Applicants who meet the eligibility requirements will be furnished with a list of attachments necessary to complete a thorough assessment of the business-financing proposal.

Prior to the initial assessment and before ordering the credit report, a **one-time \$250 non-refundable processing fee is collected with the completed preliminary application**. This covers the costs involved in the initial assessment and credit review. **Acceptance of my application for processing does not constitute any guarantee or implication that a loan will be approved. Nor does it mean that I meet all the requirements for any of the loan programs.**

I certify that all the information in this application is true and accurate to the best of my knowledge:

Applicant Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## 10. BUSINESS INFORMATION

Please provide the following information on your business:

CORPORATE OFFICERS (if incorporated):

<u>Name</u>	<u>Title</u>	<u>% Ownership</u>	<u>Primary Duties</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ACCOUNTING FIRM:

Address: \_\_\_\_\_  
\_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

ATTORNEY:

Address: \_\_\_\_\_  
\_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

INSURANCE AGENCY:

Address: \_\_\_\_\_  
\_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

## 11. DECLARATION OF PRINCIPAL OWNERS, OFFICERS, AND DIRECTORS:

**ARE YOU NOW OR HAVE YOU EVER BEEN: (circle yes or no)**

1. Involved in any claim or lawsuit?	Yes	No
2. Delinquent on any federal, state, or local taxes?	Yes	No
3. Liable under any contingency agreements?	Yes	No
4. Involved in bankruptcy or insolvency proceedings?	Yes	No
5. Involved in outstanding judgments?	Yes	No
6. Involved in property foreclosed upon or given title in lieu of foreclosure?	Yes	No
7. Delinquent for child support payments?	Yes	No
8. Under indictment or on parole or probation?	Yes	No
9. Charged with or arrested for any criminal offense other than minor motor vehicle violation?	Yes	No
10. Debarred from receiving federal assistance?	Yes	No

If YES is answered for any question, please furnish details on an attached sheet.

## 12. Ownership in Other Businesses or Firms:

Do you own 20% or more in any other businesses or firms? Yes\_\_\_\_ No \_\_\_\_ If yes:

1. Name of Business \_\_\_\_\_

Nature of Business\_\_\_\_\_ % Ownership\_\_\_\_\_

2. Name of Business \_\_\_\_\_

Nature of Business\_\_\_\_\_ % Ownership\_\_\_\_\_

3. Name of Business \_\_\_\_\_

Nature of Business\_\_\_\_\_ % Ownership\_\_\_\_\_

## 13. **DEMOGRAPHICS:**

*The following information is for statistical and funding purposes. All information provided is used without your name(s) and is kept confidential. Please check the appropriate answer for each of the following questions as it applies to the business owner(s).*

Are you a business owner at this time? Yes\_\_\_\_ No\_\_\_\_

Ownership of Business: Male \_\_\_\_ Female \_\_\_\_

*If co-owned, percentage of ownership : (\_\_\_\_\_%)*

Female Head of Household: Yes\_\_\_\_ No\_\_\_\_

Ethnicity:

Asian or Pacific Islander \_\_\_\_ Caucasian \_\_\_\_ African American \_\_\_\_

Hispanic \_\_\_\_ Native American \_\_\_\_ Native Alaskan \_\_\_\_ Other \_\_\_\_

Education: Less than High School \_\_\_\_ High School/GED \_\_\_\_ Some College \_\_\_\_

College Graduate \_\_\_\_ Post Graduate \_\_\_\_

Veteran Status:

Non-Veteran \_\_\_\_ Veteran \_\_\_\_ Disabled Veteran \_\_\_\_ Vietnam Veteran \_\_\_\_

Is this business under special ownership (physically challenged/handicapped)?

Yes\_\_\_\_ No \_\_\_\_

**14. Owners Questionnaire**

**Please provide the following information on every individual who is a Corporate Officer or Investor of 20% or greater ownership in the applicant firm; this includes non-owner officers as well as owner-officers. Spouses of owners must also provide this information (unless the owner holds the legal ownership interest in the firm as separate property. Please provide copies of legal documentation as proof of separate property.)**

NAME: (Must include full middle name) \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

Dates at this address: From: \_\_\_\_\_ To: \_\_\_\_\_

HOME TELEPHONE NUMBER: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

DRIVER'S LICENSE NUMBER: \_\_\_\_\_ STATE: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

PLACE OF BIRTH: \_\_\_\_\_

ETHNIC ORIGIN: \_\_\_\_\_

**NOTE: If more than one owner, please copy this page and have all owners prepare individually.**

## 15. LOAN REQUEST

**Financing** is required for:

- ✓ ☐ starting a new business
- ✓ ☐ expanding an existing business
- ✓ ☐ acquiring fixed assets

### **DETAIL OF BUSINESS FINANCING NEEDS:**

Provide project costs and sources of financing:			
USE OF PROCEEDS:		SOURCE OF FUNDING:	
Equipment	\$		\$
Inventory	\$		\$
Working Capital	\$	Debt (other than METRO RLF)	\$
Other	\$	Other	\$
Contingencies	\$	METRO RLF Loan Request	\$
Total Project Cost:	\$	Total Financed:	\$

### **COLLATERAL TO BE PLEDGED:**

Asset to Secure Loan	Present Liens	Value
Personal residence	\$	\$
Business equipment	\$	\$
Business Inventory	\$	\$
Accounts Receivable	\$	\$
Leasehold Improvements	\$	\$
Savings	\$	\$
Other Assets	\$	\$
Totals	\$	\$

Provide a written detail of all assets to be pledged, including description, purchase price, something to support value listed, other lien holders, etc.

## **16. PROJECT ASSURANCES**

The applicant/borrower will be required to certify and assure compliance with all regulations, policies, guidelines, and requirements as they relate to the revolving loan fund (RLF) program. The following are regulations, laws and acts, which must be complied with in order to qualify for METRO RLF funding. A full list of the required laws, etc. with accompanying citations will be provided upon request.

- A. Title VI of the Civil Rights Act of 1964. Discrimination on the ground of race, color, national origin, handicap or sex.
- B. Discriminating against employees or applicants for employment or providers of goods and services.
- C. Facilities under borrower's ownership, lease, or supervision, are not listed on the Environmental Protection Agency's (EPA) list of violating facilities. (The City of San Diego will be notified of any communication from the Director or the EPA Office of Federal Activities, indicating that a facility to be used in the project is under consideration for listing by the EPA.)
- D. Any applicant, whose project would adversely (without mitigation) impact:
  - 1. Clean Air Act
  - 2. Flood plains
  - 3. Wetlands
  - 4. Significant historic or archeological properties
  - 5. Drinking water resources
  - 6. Nonrenewable natural resources
  - 7. Federal Water Pollution Control Act
  - 8. Coastal Zone Management Act of 1972
  - 9. Endangered Species Act
  - 10. Wild and Scenic Rivers Act
  - 11. Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)
  - 12. National Historic Preservation Act
  - 13. Coastal Barriers Resources Act
  - 14. All state and local environmental review requirements with all applicable Federal, state and local standards.
  - 15. Earthquake Requirements
- E. Davis-Bacon and related State of California Law. Any METRO RLF project that falls under the guidelines of Davis-Bacon (construction financed whole or in part by the RLF and when any related construction contract exceeds \$2000); must comply with this act, and all reporting requirements stated in the Act.
- F. Contract Work Hours and Safety Standards Act & Anti-Kickback Act.
- G. Access for the Handicapped. (For construction projects, additional requirements may apply).
- H. Relocation of jobs to or from another community area.



The borrower will give the City of San Diego, the sponsoring City agency, through any authorized representative, the access to and the right to examine all records, books, papers or documents related to the loan.

The borrower recognizes the right of the City of San Diego to accelerate maturity of any loan granted under this program upon failure of the borrowers or his agents to comply with the terms of these assurances. Note that you are assuring full compliance to any or all of the following by signing at the bottom of this list.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Title

## 17. ENVIRONMENTAL QUESTIONNAIRE

**Instructions:** The following shall be used as a guide to determine if a Phase I or Phase II audit is needed. Your response to these questions may require additional research, including an on-site inspection by SDRRRLF staff or by a designated alternative, where commercial real estate is to be taken as collateral (residential real estate is excluded).

1. Determine the prior, current and planned use of the property. If any of these uses involved (or involves) an operation that used or uses toxic chemicals, a Phase I audit is required. (Discussions with current/prospective owners can help identify uses.)

History: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. To the extent possible, determine the prior, current, and planned uses of all adjoining property. If any of these uses involves an operation that used or uses toxic chemicals, a Phase I will be required.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. From a visual or factual inspection of the property, respond to the following observations:

- \_\_\_\_\_ any evidence that chemicals are used or have been used on the property or in the operation of the current operation?  
\_\_\_\_\_ are any discarded chemical containers on the property?  
\_\_\_\_\_ are any "environmentally classified" waste piles of any type on the property?  
\_\_\_\_\_ is there any buried waste or presence of underground storage tanks?  
\_\_\_\_\_ is there evidence of distressed vegetation or non-vegetative areas?  
\_\_\_\_\_ are any oily films visible on standing water?  
\_\_\_\_\_ are there any areas of soil discoloration?  
\_\_\_\_\_ are there any unusual odors?

4. Provide copies of any and all environmental permits and/or notifications in or on the project site.

4. Has the facility/property ever been involved in:

- \_\_\_\_\_ any citations;  
\_\_\_\_\_ claims, or complaints regarding environmental problems;  
\_\_\_\_\_ any notices of violation;  
\_\_\_\_\_ Any environmental cleanup actions?

COMPLETED BY: \_\_\_\_\_  
SIGNATURE OF INDIVIDUAL WHO COMPLETED FORM: \_\_\_\_\_  
DATE COMPLETED: \_\_\_\_\_

## 18. ENVIRONMENTAL INDEMNIFICATION FOR

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### (Property Address)

1. Hazardous Materials Indemnity. In consideration of and in order to induce the City of San Diego, doing business as "The Metro Revolving Loan Fund" (METRO RLF) to lend funds to \_\_\_\_\_, and \_\_\_\_\_ as guarantors, (Collectively Borrower) and make other financial accommodations to Borrower pursuant to the terms of a Commitment Letter dated \_\_\_\_\_, made by Borrower and METRO RLF, Borrower and \_\_\_\_\_ (Owner/Tenant) hereby indemnify the METRO RLF against, and agree to hold the METRO RLF harmless from the following:

1.1.1. Claims. Any and all claims, losses, damages, liabilities (including, without limitation, all foreseeable and unforeseeable consequential damages), penalties, fines, charges, interest, judgments, administrative and judicial proceedings, voluntary or involuntary, remedial actions including property maintenance and enforcement actions of any kind, public or private, arising directly or indirectly, on whole or in part, out of (i) the presence of any Hazardous Materials, as hereafter defined, on, under or from the property commonly described as \_\_\_\_\_ and legally described as (Attach Legal as an Exhibit) attached hereto (Property) and (ii) any activity carried on or undertaken on or off the Property either prior to or after the closing date, whether by Borrower or a predecessor in title or any employees, agents, affiliates, contractors or subcontractors of Borrower or any predecessor in title, or any third persons in connection with the use, handling, treatment, removal, storage, decontamination, clean up, transport or disposal of any Hazardous Materials at any time located or present on the Property unless caused by the METRO RLF's direct actions; and

1.1.2 Costs. All costs and expenses incurred in connection therewith (including, without limitation, the METRO RLF's attorneys' fees and expenses, court costs, and all other out-of-pocket expenses), arising directly or indirectly, in whole or in part, out of (i) the presence of any Hazardous Materials on, under or from the Property and (ii) any activity carried on or undertaken on or off the

Property either prior to or after the closing date, whether by Borrower or any predecessor in title or any employees, agents, affiliates, contractors or subcontractors of Borrower or any predecessor in title, or any third person at any time occupying or present on the Property in connection with the use, handling, treatment, removal, storage, decontamination, clean up, transport or disposal of any Hazardous Materials stored, generated, used, treated, transported, or disposed of on or about the Property (the foregoing is referred to as "Hazardous Materials Indemnity").

2. Residual Contamination. The Hazardous Materials Indemnity shall also apply to any residual contamination on or under the Property and to any contamination of any property or natural resources arising in connection with the generation, use, handling, storage, transport, or disposal of any Hazardous Materials, whether or not such activities were or will be taken in accordance with then applicable laws, regulations, codes and ordinances or otherwise.

3. Hazardous Materials Definition. Hazardous Materials, as used in this Agreement shall mean any flammables, explosives, radioactive materials, hazardous wastes, friable asbestos or any material containing asbestos, toxic substances or related materials, including without limitation, substances now or hereafter defines as hazardous substances, hazardous materials or toxic substances in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Section 9601, et. seq.), The Resource Conservation and Liability Act of 1980, as amended (42 U.S.C. Section 6901, et. seq.); any so-called "Superfund" or "Superlien" law, or any other applicable federal, state or local law, common law, code, rule, regulation, or ordinance, presently in effect or hereafter enacted.

4. Notice. The Borrower further agrees that it will immediately notify the METRO RLF in writing, either personally, by nationally recognized overnight delivery service, or by mail, addressed to the METRO RLF at the addresses designated by METRO RLF in writing in the event that it receives any notice or inquiry from any federal, state, or local environmental agency regarding the actual or potential use, generation, storage, handling, clean up, treatment, removal, transport, or disposal of any Hazardous Materials on, under or about the Property or it receives any notice of claim of loss, damage, or liability from any non-governmental agency, department or entity, or private party resulting from the presence of Hazardous Materials on or about the Property.

5. Continuation. This agreement shall continue indefinitely in full force and effect and survive the satisfaction, termination, suspension or cancellation of any and all other obligations and agreements between the METRO RLF and Borrower, notwithstanding any provision of any previous agreement between Borrower and the METRO RLF to the contrary; except for those claims which give rise to the Hazardous Materials Indemnity that: (i) are caused by the METRO RLF's direct actions, or (ii) are barred by any applicable statute of limitations.

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be signed by its duly authorized representative as of the date set forth below.

TENANT

BORROWER:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
(Borrower Name/or officer/agent)

Dated: \_\_\_\_\_

## 19. CREDIT REQUEST and RELEASE

I/We hereby request and authorize you to release to the City of San Diego and/or the METRO RLF Loan Fund for verification purposes, personal and business credit reports and information concerning the company/corporation/partnership and/or the officers and individuals listed below. That information may include but is not limited to:

- Employment history dates, title, income, hours worked, etc.
- Banking (checking & savings) accounts of record
- Mortgage loan rating (open date, high credit, payment amount, loan balance, and payment)
- Any information deemed necessary concerning a consumer credit report for my loan application.

A facsimile, photographic or carbon copy of this authorization (being a facsimile, photographic or carbon copy of the signature(s) of the undersigned) may be deemed to be equivalent of the original and may be used as a duplicate original. (Please print or type)

Name of Applicant:
Name of Business:
(If different from "applicant")
Telephone: (    )
Fax: (    )
Cell: (    )
Web Address:
Name of Officer/Owner:
Address for the last two years:
Social Security Number:
Signature:

Note: This form may be copied if the applicant/company has more than one officer/owner owning 20% or greater of the company.

AS OF: \_\_\_\_\_

[illegible]